

210 CT

ORIGINAL  
4/24

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**GAIL GALLOWAY,**  
Plaintiff,

v.

**PENNSYLVANIA BOARD OF  
PROBATION AND PAROLE,**  
*et al.*

Defendants

Civil Action No. 1:00-CV-00649

Magistrate Judge J. Andrew Smyser

APR 21 2000

MARY E. DANFORTH, CLERK  
Per  Deputy Clerk

**JOINDER OF DEFENDANTS**

Gail Galloway, ("Plaintiff"), joins Marlene Stewart, ("Marlene") and Ms. (first name not known at present) Congelio, ("Congelio") as defendants in the above captioned civil action pursuant to Federal Rules of Civil Procedure Rule 18 and Rule 19.

Defendant Marlene is an adult and is being sued individually and in her official capacity as Unit Manager at Pennsylvania Department of Corrections, ("DOC") facility known as State Correctional Institution, ("SCI"), Waynesburg, PA. At all times within the content of this complaint, Marlene has acted under color of state law and is being sued under 42 U.S.C.A. Section 1983 to redress the deprivations under color of state law.

Defendant Congelio is an adult and is being sued individually and in her official capacity as agent for the Pennsylvania Board of Probation and Parole, ("PBPP") at SCI Waynesburg. At all times within the content of this complaint, Congelio has acted under color of state law and is being sued under 42 U.S.C.A. Section 1983.

Plaintiff believes that defendant's Marlene and Congelio were part of a conspiracy to deprive Plaintiff of due process of law and has attempted to hinder and obstruct justice.

Plaintiff was prejudiced in filing a timely appeal from a revocation of parole order due to the actions of defendant PBPP, due to the PBPP mailing the Plaintiff's copy of the revocation order, ("green sheet"), to SCI Waymart at the other end of the state from where Plaintiff was located at SCI Waynesburg on or about December 9, 1998.

According to a letter from defendant K. Scott Roy, ("Roy"), dated January 22, 1999, a green sheet was then mailed to Plaintiff at the correct address on January 12, 1999, after the error was discovered. This was mailed to Plaintiff at his address at SCI Waynesburg, however, Plaintiff never received the green sheet.

Defendant Marlene in concert with Congelio intercepted Plaintiff's United States Mail, opened it and kept or destroyed the green sheet in violation of federal law. By keeping or disposing of Plaintiff's green sheet, which was mailed directly to Plaintiff, defendant's Marlene and Congelio prevented Plaintiff from timely receiving the green sheet and being able to timely file an administrative appeal from the revocation order. This illegal act under color of law deprived Plaintiff of due process of law and impeded and obstructed justice. Of the two (2) copies of the green sheet that were mailed to Plaintiff by the PBPP, Plaintiff never received either one. The copy mailed in error to SCI Waymart should have been forwarded by that Institution's mail room after verifying the correct address by Plaintiff's DOC number on the DOC computer network.

Due to defendant's Marlene and Congelio intercepting United States Mail addressed to Plaintiff and keeping it, Plaintiff never received either copy of the two copies mailed to Plaintiff by the PBPP.

Defendant's Marlene and Congelio conspired to deprive Plaintiff of his Constitutional rights under color of law and in violation of state and federal laws

pertaining to interception and tampering with United States Mail and violations of 18 U.S.C.S. ss 241 and ss 242.

Defendants Marlene and Congelio had an affirmative duty to follow the mandates of the Pennsylvania and United States Constitutions and state and federal laws. Therefore, Plaintiff seeks compensatory and punitive damages from defendant's Marlene and Congelio based on their individual and official acts, this lawsuit is brought against each defendant in her individual and official capacity for her unconstitutional, arbitrary, and reckless actions in total disregard of Plaintiff's Constitutional rights and rights under federal and state law.

Plaintiff seeks from defendant Marlene Stewart, compensatory damages of \$1,000,000.00 (one million dollars), and punitive damages of \$10,000,000.00 (ten million dollars), and all other relief as set forth in the original complaint.

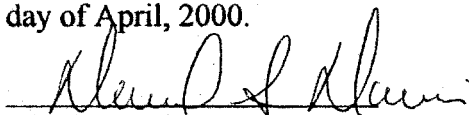
Plaintiff seeks from defendant Congelio, compensatory damages of \$1,000,000.00 (one million dollars), and punitive damages of \$10,000,000.00 (ten million dollars), and all other relief as set forth in the original complaint.

#### VERIFICATION

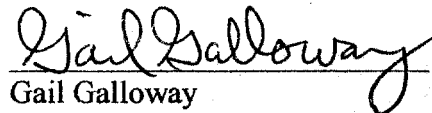
I, Gail Galloway, assert under penalty of perjury, that to the best of my knowledge and/or belief, the foregoing Joinder of Defendant's is true and correct.

This 18th day of April, 2000.

Sworn to and subscribed to  
before me this 18  
day of April, 2000.

  
District Justice

Respectfully submitted,

  
Gail Galloway  
R.D. #1, Box 30  
Petersburg, PA 16669

